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SRI K. BHASHYAM :—" He must be one who believes in the payment of rent regularly."

THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member should think for a moment whether we are considering the procedure at the trial when the case goes on or whether we are considering the appointment of the Magistrates concerned. I think that we are putting unnecessary questions without grasping the real difficulties involved."

DR. V. K. JOHN :—" What is the average number of prohibition cases in a month in the State and is it increasing or decreasing? "

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" A separate question may be put, Sir."

III.—PRIVILEGE OF THE HOUSE *RE* PRESENTATION OF BUDGET.

* SRI T. PURUSHOTHAM :—" Mr. Chairman, I wish to raise a point affecting the privilege of this House, namely, the presentation of the Budget here 15 days after it has been presented in the other House. Article 202 (1) of the Constitution lays down that the 'Governor shall in respect of every financial year cause to be laid before both the Houses of Legislature a statement of the estimated receipts and expenditure for the year.' The Budget should have been, I contend, presented in both the Houses simultaneously."

THE HON. SRI C. SUBRAMANIAM :—" There is no mention of the word 'simultaneous' in the Article."

* SRI T. PURUSHOTHAM :—" It has been the convention so far, that the Budget should be presented to both the Houses at least within a few hours on the same day. This question was raised in this House when Sri R. B. Ramakrishna Raju was in the Chair and I find in the proceedings that on behalf of the Government an assurance was given that not only the annual statement of expenditure but also the supplementary financial statements would be presented to both Houses on the same day. As it is, the Budget is presented in this House after it has gone through all the stages in the other House. If the Budget discussion had been held in this House at least before the voting on Demands for Grants in the other House, the Government as well as the Members of the Assembly would have had an opportunity to have the views of this House while disposing of the Budget demands and to a certain extent could have shaped their policies. Now I do not think any useful purpose will be served by going through the formality of presenting the Budget and discussing it in this House. I have raised this question, Sir, to bring to your notice and to the notice of the Leader of the House that the privileges of this House should be safeguarded and that this should not, in any case, be made a precedent for the future."

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The Hon. Sri C. RAJAGOPALACHARI :—" I shall deal with this matter in the course of my reply to the debate."

* Dr. A. LAKSHMANASWAMI MUDALIYAR :—" I wish to associate myself with the observations made by my hon. Friend Sri T. Purushotham. I cannot say whether it can be taken as a question of privilege. I am rather doubtful of it. But I certainly agree that the usefulness of the House and the dignity of the House should be the concern of the Government benches. I have been here for some years and also in the old Council. I have followed the proceedings. I don't think there was any occasion when the Budget was not presented more or less simultaneously. I am not concerned with the simultaneous presentation of the Budget but I am concerned with the stage at which the Budget is presented to the House. That stage at present is after even the Appropriation Bill has been passed by the other House. I fail to see what useful purpose will be served by hon. Members participating in the general discussion on the Budget. Surely the object of the general discussion being completed in both the Houses before the Demands are voted is to enable the members of the other House, who have certainly a greater amount of financial power over the Government, to know what the opinions of the Members of this House are and to so shape their activities—whether it be in consonance with their opinions or against their opinions —that they could take part in the discussion in a more, I won't say, intelligent manner, but with fuller information before them. The discussion in this House of the Budget which is going to be presented to-day and discussed to-morrow and the day after seems to me to be like enacting the play of Hamlet without the chief person being present. We have no power whatsoever so far as the financial estimates are concerned. All that we have is the privilege to express our opinions and criticisms on the Budget proposals and to bring such other matters as we think are relevant and pertinent in the consideration of the Budget. We do so in the 12 noon.
full hope and belief that our representatives in the other House—after all they are our representatives as much as we are representatives of the electorate in this House—will be in a position to see whether the criticisms made in this House are such as to demand their attention in the detailed discussion and the voting on Demands for Grants. Very often we are complimented on the fact that we give very important consideration to all questions and that some of our arguments and conclusions are very valid. I hope the Government will see that something more purposive than the paying of mere compliments is done to enable the Members of this House to take an useful part in the discussions. The Hon. Finance Minister almost whispered that this would not be a precedent. There are other things also which, I hope, will not be a precedent and to which I shall refer in the general discussion of the budget. On this issue as it has been raised, I do feel that we must make our position quite clear that we do not appreciate discussing the Budget after the passing of the Appropriation Bill,

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as no useful purpose will be served except to this limited extent that the discussion on this Budget will perhaps influence the next year's Budget which the Hon. Finance Minister will present within a very short time. But for this particular trend, I myself would not have been quite prepared to participate in the Budget. I hope this aspect of the question will be fully considered by the Government in future."

* SRI K. BALASUBRAMANYA AYYAR :—" Sir, it was said that the word ' simultaneously ' does not occur in article 202 of the Constitution. I agree that that word is not there. The article says : ' The Governor shall in respect of every financial year cause to be laid before the Houses of the Legislature of the State a statement of the estimated receipts and expenditure of the State for that year '. Though this clearly means that the presentation need not be simultaneous, it should be construed to mean that the presentation and discussion in the Council should at least be before the Demands for Grants are voted and the Appropriation Bill is passed in the Assembly. After the voting on Demands for Grants and the passing of the Appropriation Bill, the annual financial statement presented ceases to be the 'estimated' receipts and expenditure. Therefore I say that the action of the Government is quite wrong and opposed to the spirit of Article 202."

THE HON. SRI C. SUBRAMANIAM :—" The Appropriation Bill has to be passed by this House also."

* SRI K. BALASUBRAMANYA AYYAR :—" This House has no power to pass the budget; it can only discuss."

SRI M. P. GOVINDA MENON :—" Sir, I associate myself very strongly with the sentiments expressed by the hon. Members on this side of the House regarding the great insult offered to this august body and to you, Sir, as the Chairman of that body, by presenting the Budget after all the processes have been gone through in the other House. As a student of logic, I have learnt the syllogism that the Upper House either agrees or disagrees, if it agrees it is superfluous, if it disagrees it is mischievous and that in either case it is unnecessary. Of course, there is a fallacy in this argument. The Upper House does serve a purpose. Constituted as this House is with Members of experience and leaders in various walks of life, they will be very reasonable in their criticisms. By their discussion, they will be able to influence the Government to modify their proposals and also very effectively influence the decision of the other House on the various proposals. That opportunity has been lost. Discussing the Budget after the Demands for Grants and the Appropriation Bill are passed is nothing but a farce. This House, if it is to exist, must really have some authority. This House is there not only for the purpose of having a distinguished countryman of ours nominated so that he may be made the Chief Minister or for the purpose of enabling defeated Ministers to come back by indirect methods. This House

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should not be there merely to enable persons like M. P. Govinda Menon to come back by indirect methods. It has got a definite function. I do protest against the way in which the Government have treated this House. I hope they will take a lesson from this protest of ours."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, before feelings rise higher, I should like to submit that I entirely appreciate the points raised, in a general way. If this procedure were to be adopted by the Government ordinarily, all the remarks made by the hon. Gentlemen who have objected to this procedure would have been correct and fully admitted by me. A Parliamentary Act has already dealt with practically the whole matter contained in this Budget. It is only in the light of this special circumstance that we did not consider it reasonable to convene the Council for discussing the budget, then adjourn it and again convene it after business was got ready for this House. It is only the background of the Parliamentary Act that we plead for the procedure we have followed in respect of this Budget. I anticipated this objection and in fact I had intended to apologise to this House for adopting this procedure. In theory, there is no point of privilege. According to ordinary rules of procedure and convention, simultaneous presentation is the practice and that will continue, except where it is merely a case like the one with which we are now dealing. I have explained the position. May I suggest that hon. Members need not raise any point of order and that I may be allowed to proceed with the presentation? "

* DR. V. K. JOHN :—" Even after hearing the Hon. Chief Minister, I do not think the House is satisfied that there is any special reason for not presenting the Budget on the same day in the House as well. Nobody can make any mistake in interpreting Article 202 of the Constitution of India. If the intention of the Constitution was that the budget should be presented in the Council on a later day, the Constitution would have said so. The truth is that the Government, though the Chief Minister happens to be a Member of this House, are showing scant courtesy to this House. Mr. Chairman, you are the custodian of the dignity and usefulness of this House and you should not allow the Government to depart from the salutary practice of simultaneous presentation and discussion of Budget in both the Houses. The procedure now adopted is against the Constitution, against convention and practice and against the dignity and usefulness of this House. This belated presentation and discussion of the Budget in this House should not have taken place. The Hon. Finance Minister is smiling, and I think that even now he is happy that this House has been treated in the manner in which it has been treated. I submit that every section of this House—not only the Opposition but also the Congress and the Independent Parties—must join in the protest and condemn and condemn strongly the treatment accorded to this House by this Government which, I say, is illegal, irregular and improper."

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* THE HON. SRI C. RAJAGOPALACHARI :—" Just one word, Sir, before you decide the matter. I am sorry that my explanation does not satisfy hon. Gentleman Dr. John. I would like some other points also to be taken into account, if it is seriously contended that we intended any insult. As a matter of fact, hon. Members had Budget copies in their possession round about the 14th of December and they were also in possession of the fact that they were going to be called to meet to-day and not earlier. If these hon. Gentlemen, who are now raising the point with so much heat, really felt that this was a wrong practice, they could have written to the Leader of the House and the Chairman, and we would have even agreed to convening this meeting earlier. I am saying this not by way of explanation. I agree that ordinarily the presentation should be simultaneous and that we should follow the convention. Here it is a case where most of the money has already been spent. Hon. Members had an opportunity to protest even earlier."

* DR. V. K. JOHN :—" We cannot protest because the Budget dates are fixed by the Governor on the advice of the Cabinet."

IV.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) PANEL OF CHAIRMEN.

* MR. CHAIRMAN :—" I have to announce to the House that, under rule 15 of the Madras Council Rules, I have nominated the following four Members of the Council to be the panel of Chairmen for the fifth session of the Legislative Council under the Constitution :—

(1) Mrs. Mary Clubwala Jadhav,
(2) Sri T. M. Narayanaswamy Pillai,
(3) ,, B. V. Subrahmanyam and
(4) ,, N. Annamalai Pillai."

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN :—" I have also to announce to the House that I have received the following messages, dated the 15th December 1953 and the 26th December 1953, from the Hon. the Speaker, Madras Legislative Assembly :—

(1) 'In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Co-operative Societies (Amendment) Bill, 1953 (L.A. Bill No. 25 of 1953), as passed by the Assembly on the 15th December 1953, and signed by me, for the concurrence of the Council.'

(2) 'In accordance with rule 99 of the Madras Assembly Rules, I transmit a copy of the Madras Appropriation (No. 2) Bill, 1953 (L.A. Bill No. 26 of 1953, as passed by the Assembly on the 26th December 1953, and signed by me for the recommendations of the Council.'

" 2. I certify that this is a Money Bill within the meaning of Article 199 of the Constitution of India."